

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE FOREIGN EXCHANGE  
BENCHMARK RATES ANTITRUST  
LITIGATION

No. 13 Civ. 7789 (LGS)

**STIPULATION AND ~~PROPOSED~~  
ORDER**

**WHEREAS**, on September 2, 2022, the Court ordered Plaintiffs to make a disclosure to the Credit Suisse Defendants relating to the number of Fifth Amendment witnesses by September 15, 2022, in advance of the pretrial conference scheduled for September 19, 2022 (ECF No. 1872 at 2);

**WHEREAS**, on September 15, 2022, Plaintiffs provided their disclosure relating to Fifth Amendment testimony to the Credit Suisse Defendants;

**WHEREAS**, on September 19, 2022, the Court held a pretrial conference during which a brief discussion of Plaintiffs' disclosure to the Credit Suisse Defendants occurred;

**WHEREAS**, the Court ordered Plaintiffs and the Credit Suisse Defendants (together, the "Parties") to meet and confer and reach resolution regarding Fifth Amendment testimony or file their respective positions by September 22, 2022;

**WHEREAS**, the Parties have met and conferred in good faith to agree on an orderly process for Fifth Amendment testimony at trial; and

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between counsel for the Parties, as follows:

**FIFTH AMENDMENT TESTIMONY**

1. Plaintiffs shall be allowed to use up to, but no more than, 70 minutes of their allotted trial time to present Fifth Amendment testimony;

2. Plaintiffs must present their Fifth Amendment testimony in one continuous block of time;

3. Plaintiffs may choose to present their single block of Fifth Amendment testimony at any point in their case-in-chief and such block may start at the end of one trial day and continue until the next;

4. Plaintiffs shall be allowed to present testimony from Daniel Wise, Mitesh Parikh, Edward Pinto, Rohan Ramchandani, and Joseph Landes;

5. Plaintiffs shall be allowed to call Mr. Landes live, or in the event that he is unavailable, by video deposition designation;

6. Plaintiffs shall call the remaining four witness by video deposition testimony, which shall be provided to the Credit Suisse Defendants in accordance with the Court's order on deposition designations;

7. Credit Suisse reserves all rights to object to specific questions of each witness in accordance with the Court's order on deposition designation or at trial in the case of the live witness; and

8. At the conclusion of the testimony of the five aforementioned witnesses, the Parties agree that Plaintiffs may read the following paragraph to the jury:

The following 21 FX traders asserted their Fifth Amendment rights under the United States Constitution and refused to testify about their conduct as FX traders during the Class Period, including their participation in multibank chats with FX traders from competitor banks where bid-ask spreads were discussed.

Plaintiffs will then read the names of the 21 traders (identified on Attachment A) and the bank or banks at which they worked during the Class Period.

Dated: September 22, 2022

**CAHILL GORDON & REINDEL LLP**

By: s/ Jason M. Hall  
Jason M. Hall  
32 Old Slip  
New York, New York 10005  
Telephone: (212) 701-3154  
jhall@cahill.com

*Attorneys for Credit Suisse Defendants*

Respectfully submitted,

**SCOTT+SCOTT  
ATTORNEYS AT LAW LLP**

By: s/ Christopher M. Burke  
Christopher M. Burke  
600 West Broadway, Suite 3300  
San Diego, CA 92101  
Telephone: (619) 233-4565  
cburke@scott-scott.com

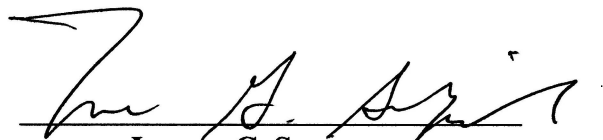
**HAUSFELD LLP**

By: s/ Michael D. Hausfeld  
Michael D. Hausfeld  
888 16th Street NW, Suite 300  
Washington, DC 20006  
Telephone: (202) 540-7143  
mhausfeld@hausfeld.com

*Attorneys for Plaintiffs*

DATED: September 22, 2022

**SO ORDERED:**

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**

**ATTACHMENT A**

<b>Trader</b>	<b>Bank(s) During Class Period</b>
Akshay Aiyer	JPMorgan
Carly McWilliams Hosler	Citigroup
Christopher Ashton	Barclays
Clark Read	Credit Suisse, Barclays
David Bowen	Goldman Sachs
Eduardo Hargreaves	Standard Chartered
Frank Cahill	Barclays, HSBC, Goldman Sachs
James Mullaney	Standard Chartered
James Wynne	RBS
John Erratt	Credit Suisse, Barclays
Julian Munson	RBS
Luxshan Thiagarajah	JPMorgan
Mark Clark	Citigroup, Barclays
Michael Keogh	Deutsche Bank, Standard Chartered
Michael Weston	Royal Bank of Canada, Barclays
Niall O’Riordan	UBS
Paul Nash	RBS
Richard Usher	RBS, JPMorgan
Roger Boehler	UBS
Russell Katz	Barclays